

AN ACT

relating to an exception to the prohibition against commingling used oil with solid waste if the commingling is incident to the dismantling of scrap, used, or obsolete metals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a) and (c), Section 7.176, Water Code, are amended to read as follows:

(a) A person commits an offense if the person:

(1) intentionally discharges used oil into a sewer, drainage system, septic tank, surface water or groundwater, watercourse, or marine water;

(2) knowingly mixes or commingles used oil with solid waste that is to be disposed of in landfills or directly disposes of used oil on land or in landfills, unless the mixing or commingling of used oil with solid waste that is to be disposed of in landfills is incident to and the unavoidable result of the dismantling or mechanical shredding of motor vehicles, appliances, or other items of scrap, used, or obsolete metals;

(3) knowingly transports, treats, stores, disposes of, recycles, causes to be transported, or otherwise handles any used oil within the state:

(A) in violation of standards or rules for the management of used oil; or

(B) without first complying with the

1 registration requirements of Chapter 371, Health and Safety Code,
2 and rules adopted under that chapter;

3 (4) intentionally applies used oil to roads or land
4 for dust suppression, weed abatement, or other similar uses that
5 introduce used oil into the environment;

6 (5) violates an order of the commission to cease and
7 desist an activity prohibited by this section or a rule applicable
8 to a prohibited activity; or

9 (6) intentionally makes a false statement or
10 representation in an application, label, manifest, record, report,
11 permit, or other document filed, maintained, or used for purposes
12 of program compliance.

13 (c) It is an exception to the application of Subsection
14 (a)(2) that the mixing or commingling of used oil with solid waste
15 that is to be disposed of in landfills is incident to and the
16 unavoidable result of the dismantling or mechanical shredding of
17 motor vehicles, appliances, or other items of scrap, used, or
18 obsolete metals.

19 SECTION 2. (a) The change in law made by this Act applies
20 only to an offense committed on or after the effective date of this
21 Act. For the purposes of this section, an offense is committed
22 before the effective date of this Act if any element of the offense
23 occurs before that date.

24 (b) An offense committed before the effective date of this
25 Act is governed by the law in effect when the offense was committed,
26 and the former law is continued in effect for that purpose.

27 SECTION 3. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1299 passed the Senate on April 19, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1299 passed the House on April 28, 2005, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor